

## **REMARKS**

This amendment is being filed in response to an Office Action mailed 11/05/2007, in which the Examiner said that claims 1-15, 35-40, 47-52, and 59-64 were pending but rejected.

In this amendment, claims 1-3, 12, 41-48, and 53-64 are canceled, claims 4, 5, 8, 10, 11, 13, 14, 37-39, and 49-51 are amended to overcome reasons for rejections given by the Examiner, and other reasons for rejections are traversed below.

### **Claims Rejected under 35 USC §103**

The Examiner said that claims 1-15, 35-40, 47-52, and 59-64 were rejected under 35 USC §103(a) as being unpatentable over U.S. Pat. Appl. Pub. No.2002/0040335 A1 to Weiner in view of U.S. Pat. No. 6,362,745 B1 to Davis.

In this amendment, claims 1-3 are canceled, and claim 4 is rewritten in independent form to include all of the limitations of claim 1, upon which it formerly depended. The Applicants respectfully submit that Weiner and Davis fail describe the requirement of claim 4 for further transmission of utility usage data to be prevented by erasing the private cryptographic key stored within the data storage. While Davis describes the prevention and detection of tampering with a meter, the idea of erasing a stored key is solely an idea of the Applicants. Therefore, the Applicants respectfully submit that claim 4 is patentable under 35 USC §103(a) over Weiner in view of Davis.

Claim 5 is rewritten in independent form to include all the limitations of claim 1, upon which it formerly depended. The Applicants respectfully submit that Weiner and Davis fail to teach or describe the requirement of this claim for the processor in the central computer system to be programmed to call each meter in the plurality of meters. In the

system of Weiner, the central computer does not poll the meters; instead the encrypted data, including a payment and utility usage data, is transmitted in response to a user action in making the payment. The Applicant's invention thus gains an advantage of automation over that of Weiner, in that human intervention is not needed to cause the transmission of utility usage data, with the process being more readily controlled using the central computer system. Therefore, the Applicants respectfully submit that claim 5 is patentable under 35 USC §103(a) over Weiner in view of Davis.

The Applicants respectfully submit that Weiner and Davis fail to describe the requirement of claim 6 for the microprocessor in each meter to be programmed to determine whether a call received over the communication network has come from the central computer system. In the system of Weiner, there is no provision to receive such calls, so there is no reason to verify them. Therefore, and additionally because claim 6 merely adds this limitation to claim 5, which is believed to be patentable as described above, the Applicants respectfully submit that claim 6 is patentable under 35 USC §103(a) over Weiner in view of Davis.

Because claim 7 merely adds limitations to claim 6, the Applicants respectfully submit that claim 7 is patentable under 35 USC §103(a) over Weiner in view of Davis as described above regarding claim 6.

Claim 8 is rewritten in independent form to include all the limitations of claim 1, upon which this claim originally depended. The Applicants respectfully submit that Weiner and Davis fail to teach or describe the requirements of this claim for each of the meters to be programmed to generate an ordered sequence of values for use as each said alphanumeric and to transmit a next value from the ordered sequence in an unencrypted form and in a form encrypted with the measured usage data, with each value following the previously sent value. Weiner and Davis do not describe such a method, which prevents a user from developing enough knowledge while recording transmissions from the meter to be able to generate and send false transmissions.

Therefore, the Applicants respectfully submit that claim 6 is patentable under 35 USC §103(a) over Weiner in view of Davis.

Because claim 9 merely adds limitations to claim 8, the Applicants respectfully submit that claim 9 is patentable under 35 USC §103(a) over Weiner in view of Davis as described above regarding claim 8.

Claims 10 and 11 are amended to depend upon claim 5 instead of upon the canceled claim 1. Because these claims merely add limitations to claim 5, the Applicants respectfully submit that claims 10 and 11 are patentable under 35 USC §103(a) over Weiner in view of Davis as described above regarding claim 5.

Claim 12 is canceled, and claim 13 is rewritten in independent form to include all the limitations of claim 12, upon which it originally depended. Claim 13 is believed to be patentable for reasons described above regarding claim 5.

Claim 14 is rewritten in independent form to include all the limitations of claim 12, upon which claim 14 originally depended. Claim 14 is believed to be patentable for reasons described above regarding claim 8.

Because claim 15 merely adds limitations to claim 14, claim 15 is believed to be patentable for reasons described above regarding claim 14.

Claims 16-36 are canceled.

Claim 37 is rewritten in independent form to include all the limitations of claim 35, upon which it originally depended. The Applicants respectfully submit that Weiner and Davis fail to teach or anticipate the requirements of this claim for initiating a call over the communication network from the central computer to the meter and transmitting the random number from the central computer to the meter. In the Applicant's invention,

this is done as the meter is poled to transmit usage data. In the device of Weinter, there is no such polling, with the transmission of data being started by the users actions in submitting a payment. Thus, the Applicants' invention has an advantage of automatic operation under the control the the central computer. Therefore, the Applicants respectfully submit that claim 37 is patentable under 35 USC §103(a) over Weiner in view of Davis.

Because claim 38 merely adds limitations to claim 37, claim 38 is believed to be patentable for reasons described above regarding claim 37.

Claim 39 is rewritten in independent form to include all the limitations of claim 35, upon which it originally depended. The Applicants respectfully submit that Weiner and Davis fail to teach or anticipate the requirements of this claim for determining in the central computer system whether the alphanumeric value additionally transmitted in an unencrypted form follows an alphanumeric value additionally transmitted by the meter in the predetermined sequence. Weiner and Davis do not describe such a method, which prevents a user from developing enough knowledge while recording transmissions from the meter to be able to generate and send false transmissions. Therefore, the Applicants respectfully submit that claim 6 is patentable under 35 USC §103(a) over Weiner in view of Davis.

Because claim 40 merely adds limitations to claim 39, claim 40 is believed to be patentable for reasons described above regarding claim 39.

Claims 41-48 are canceled herein.

Claim 49 is rewritten in independent form to include all the limitations of claim 47, upon which it originally depended. Claim 49 is believed to be patentable for reasons described above regarding claim 37.

Because claim 50 merely adds limitations to claim 49, claim 50 is believed to be patentable for reasons described above regarding claim 49.

Claim 51 has been rewritten to include all the limitations of claim 47, upon which it originally depended. Claim 51 is believed to be patentable for reasons described above regarding claim 39.

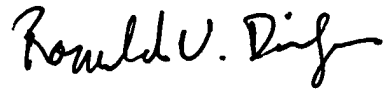
Because claim 52 merely adds limitations to claim 50, claim 52 is believed to be patentable for reasons described above regarding claim 50.

Claims 53-64 are canceled.

### **Conclusions**

The Applicants respectfully submit that the application is now in condition for allowance, and that action is respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ronald V. Davidge". The signature is fluid and cursive, with a long horizontal stroke at the end.

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